



## Legislation Text

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**File #:** 15-00515, **Version:** 2

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Ordinance No. 15-69 Excluding Certain Property from the Interquest South Business Improvement District (Quasi-Judicial)

**From:**

Carl Schueler, Comprehensive Planning Manager, Planning and Development, Land Use Review Division

**Summary:**

City Planning received a petition for exclusion of certain properties from the boundaries of the Interquest South Business Improvement District (the "BID"). State Statute (Section 31-25-1220, C.R.S.) requires that any exclusions of property from BIDs be approved by City Council by ordinance after notice and hearing. In accordance with the statutory section cited above, the petition for exclusion is verified and arrangements have been made for publication of notice of the hearing. This item is directly related to the immediately following items on today's agenda.

**Previous Council Action:**

The BID was established pursuant to Ordinance 04-238 adopted by Council on October 26, 2004, which ordinance approved the initial operating plan and budget ("Operating Plan") for the BID. In 2009 City Council approved Ordinance 09-21 which included additional property into this BID. The BID's Operating Plan has been approved annually in accordance with Section 31-25-1211, C.R.S., and most recently in November 2014. Council has not approved issuance of any debt by this BID.

**Background:**

BIDs are created under Colorado Statute and City Policy to finance and/or maintain certain public improvements in non-residential areas, utilizing a property tax mill levy as the revenue source. BIDs are a separate legal entity from the City, but their budgets and operating plans must be approved annually by the City.

This BID has largely been inactive to date. Although authorized to levy up to 50.0 mills for debt service, to-date the BID has only certified a levy of 1.0 mill for operations purposes. This BID has never issued debt, although it has accumulated developer advances.

The petitioners are requesting exclusion of these properties on the basis that the owners no longer desire to be included within the BID and will receive no future benefit from the BID. The boundaries of a BID by exclusion of property is governed by C.R.S. 31-25-1220, which requires the property owner to petition the governing body of the municipality in which the BID is located. Upon receipt of a petition for exclusion, notice of the petition must be given in accordance with C.R.S. 31-25-1220. The notice must inform all persons having objections to the exclusion to appear at a hearing to show cause why the petition should not be granted. If the governing body, City Council, determines that

changing the boundaries of the BID as requested by the petition does not adversely affect the BID, the governing body may grant the petition by ordinance. A certified copy of the ordinance is then filed with the County Clerk and Recorder and the property is then excluded from the boundaries of the BID.

Legal notice of the required City Council hearing will be published as required by Statute.

**Financial Implications:**

There should be no direct financial implications to the City from this action. The exclusion of this property will have no adverse effect on the financial capability of the BID to meet its financing obligations.

**Board/Commission Recommendation:**

The City's staff-level Special District Committee has been provided copies of these materials. All comments received have been in support and/or stated no concerns.

**Stakeholder Process:**

Not applicable.

**Alternatives:**

City Council could choose to approve, not approve or modify the proposed ordinance.

**Proposed Motion:**

Move approval of the ordinance excluding certain property from the boundaries of the Interquest South Business Improvement District.

**AN ORDINANCE EXCLUDING CERTAIN PROPERTY FROM THE BOUNDARIES OF THE INTERQUEST SOUTH BUSINESS IMPROVEMENT DISTRICT**